

United States Bankruptcy Court
Western District of New York

Voluntary Petition

Name of Debtor (if individual, enter Last, First, Middle): Birch Grove Landscaping & Nursery, Inc.	Name of Joint Debtor (Spouse) (Last, First, Middle):
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):	All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN)/Complete EIN (if more than one, state all) 16-1192906	Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all)
Street Address of Debtor (No. and Street, City, and State): 11736 Big Tree Road (Route 20A) East Aurora, NY <div style="text-align: right;">ZIP Code 14052</div>	Street Address of Joint Debtor (No. and Street, City, and State): <div style="text-align: right;">ZIP Code</div>
County of Residence or of the Principal Place of Business: Erie	County of Residence or of the Principal Place of Business:
Mailing Address of Debtor (if different from street address): Post Office Box 117 East Aurora, NY <div style="text-align: right;">ZIP Code 14052</div>	Mailing Address of Joint Debtor (if different from street address): <div style="text-align: right;">ZIP Code</div>
Location of Principal Assets of Business Debtor (if different from street address above):	

Type of Debtor (Form of Organization) (Check one box) <input type="checkbox"/> Individual (includes Joint Debtors) <i>See Exhibit D on page 2 of this form.</i> <input checked="" type="checkbox"/> Corporation (includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and state type of entity below.)	Nature of Business (Check one box) <input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101 (51B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input checked="" type="checkbox"/> Other	Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box) <input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 9 <input checked="" type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding
Chapter 15 Debtors Country of debtor's center of main interests: Each country in which a foreign proceeding by, regarding, or against debtor is pending:	Tax-Exempt Entity (Check box, if applicable) <input type="checkbox"/> Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code).	Nature of Debts (Check one box) <input type="checkbox"/> Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose." <input checked="" type="checkbox"/> Debts are primarily business debts.

Filing Fee (Check one box) <input checked="" type="checkbox"/> Full Filing Fee attached <input type="checkbox"/> Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A. <input type="checkbox"/> Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.	Chapter 11 Debtors Check one box: <input checked="" type="checkbox"/> Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). <input type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). Check if: <input checked="" type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,490,925 (amount subject to adjustment on 4/01/16 and every three years thereafter). Check all applicable boxes: <input type="checkbox"/> A plan is being filed with this petition. <input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
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Statistical/Administrative Information <input checked="" type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors. <hr/> Estimated Number of Creditors <div style="display: flex; justify-content: space-between;"> <div><input type="checkbox"/> 1-49</div> <div><input checked="" type="checkbox"/> 50-99</div> <div><input type="checkbox"/> 100-199</div> <div><input type="checkbox"/> 200-999</div> <div><input type="checkbox"/> 1,000-5,000</div> <div><input type="checkbox"/> 5,001-10,000</div> <div><input type="checkbox"/> 10,001-25,000</div> <div><input type="checkbox"/> 25,001-50,000</div> <div><input type="checkbox"/> 50,001-100,000</div> <div><input type="checkbox"/> OVER 100,000</div> </div> <hr/> Estimated Assets <div style="display: flex; justify-content: space-between;"> <div><input type="checkbox"/> \$0 to \$50,000</div> <div><input type="checkbox"/> \$50,001 to \$100,000</div> <div><input type="checkbox"/> \$100,001 to \$500,000</div> <div><input type="checkbox"/> \$500,001 to \$1 million</div> <div><input checked="" type="checkbox"/> \$1,000,001 to \$10 million</div> <div><input type="checkbox"/> \$10,000,001 to \$50 million</div> <div><input type="checkbox"/> \$50,000,001 to \$100 million</div> <div><input type="checkbox"/> \$100,000,001 to \$500 million</div> <div><input type="checkbox"/> \$500,000,001 to \$1 billion</div> <div><input type="checkbox"/> More than \$1 billion</div> </div> <hr/> Estimated Liabilities <div style="display: flex; justify-content: space-between;"> <div><input type="checkbox"/> \$0 to \$50,000</div> <div><input type="checkbox"/> \$50,001 to \$100,000</div> <div><input type="checkbox"/> \$100,001 to \$500,000</div> <div><input type="checkbox"/> \$500,001 to \$1 million</div> <div><input checked="" type="checkbox"/> \$1,000,001 to \$10 million</div> <div><input type="checkbox"/> \$10,000,001 to \$50 million</div> <div><input type="checkbox"/> \$50,000,001 to \$100 million</div> <div><input type="checkbox"/> \$100,000,001 to \$500 million</div> <div><input type="checkbox"/> \$500,000,001 to \$1 billion</div> <div><input type="checkbox"/> More than \$1 billion</div> </div>	THIS SPACE IS FOR COURT USE ONLY
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Voluntary Petition*(This page must be completed and filed in every case)*

Name of Debtor(s):

Birch Grove Landscaping & Nursery, Inc.**All Prior Bankruptcy Cases Filed Within Last 8 Years** (If more than two, attach additional sheet)

Location

Where Filed: **- None -**

Case Number:

Date Filed:

Location

Where Filed:

Case Number:

Date Filed:

Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet)

Name of Debtor:

- None -

Case Number:

Date Filed:

District:

Relationship:

Judge:

Exhibit A

(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.)

☐ Exhibit A is attached and made a part of this petition.

Exhibit B

(To be completed if debtor is an individual whose debts are primarily consumer debts.)

I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I delivered to the debtor the notice required by 11 U.S.C. §342(b).

X

Signature of Attorney for Debtor(s)

(Date)

Exhibit C

Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety?

☐ Yes, and Exhibit C is attached and made a part of this petition.

☒ No.

Exhibit D

(To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.)

☐ Exhibit D completed and signed by the debtor is attached and made a part of this petition.

If this is a joint petition:

☐ Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition.

Information Regarding the Debtor - Venue

(Check any applicable box)

- ☒ Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.
- ☐ There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.
- ☐ Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.

Certification by a Debtor Who Resides as a Tenant of Residential Property

(Check all applicable boxes)

- ☐ Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.)

(Name of landlord that obtained judgment)

(Address of landlord)

- ☐ Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and
- ☐ Debtor has included with this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition.
- ☐ Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).

Voluntary Petition*(This page must be completed and filed in every case)*

Name of Debtor(s):

Birch Grove Landscaping & Nursery, Inc.**Signatures****Signature(s) of Debtor(s) (Individual/Joint)**

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. [If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. §342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X _____
Signature of Debtor

X _____
Signature of Joint Debtor

Telephone Number (If not represented by attorney)

Date

Signature of Attorney*

X /s/ Daniel F. Brown
Signature of Attorney for Debtor(s)

Daniel F. Brown
Printed Name of Attorney for Debtor(s)

Andreozzi, Bluestein, Weber, Brown, LLP
Firm Name
333 International Drive, Suite B-4
Williamsville, NY 14221

Address

(716) 633-3200 Fax: (716) 633-0301
Telephone Number

September 18, 2015
Date

*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.

Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X /s/ Jason L. Burford
Signature of Authorized Individual

Jason L. Burford
Printed Name of Authorized Individual

Chief Operating Officer
Title of Authorized Individual

September 18, 2015
Date

Signature of a Foreign Representative

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only one box.)

☐ I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by 11 U.S.C. §1515 are attached.

☐ Pursuant to 11 U.S.C. §1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

X _____
Signature of Foreign Representative

Printed Name of Foreign Representative

Date

Signature of Non-Attorney Bankruptcy Petition Preparer

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.

Printed Name and title, if any, of Bankruptcy Petition Preparer

Social-Security number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)

Address

X _____
Date

Signature of bankruptcy petition preparer or officer, principal, responsible person, or partner whose Social Security number is provided above.

Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. §110; 18 U.S.C. §156.

UNANIMOUS CONSENT

OF

BOARD OF DIRECTORS

OF

BIRCH GROVE LANDSCAPING & NURSERY, INC.

THE UNDERSIGNED, being the Directors of BIRCH GROVE LANDSCAPING & NURSERY, INC., a New York Corporation (the "Corporation"), who would be entitled to notice of meeting of the Board of Directors of the Corporation for the purpose of taking such action and adopting the resolutions set forth below, do hereby waive such notice, take the following action, and adopt the following resolutions by unanimous written consent to action pursuant to Section 708 of the Business Corporation Law of the State of New York.

NOW, THEREFORE, BE IT

RESOLVED, that the filing by this Corporation of a petition for relief under Chapter 11 of Title 11, United States Code, 11 U.S. Section 101, et seq. (the "Bankruptcy Code"), in the United States Bankruptcy Court for the Western District of New York be, and it hereby is, authorized and approved;

RESOLVED FURTHER, each of the officers of the Corporation is authorized and empowered to execute on behalf of the Corporation a petition for relief under Chapter 11 of the Bankruptcy Code in the United States Bankruptcy court for the Western District of New York, and any affidavits, forms, schedules, applications or any other pleadings or documents which are necessary or appropriate;

RESOLVED FURTHER, that the Corporation is authorized to retain Andreozzi, Bluestein, Weber, Brown, LLP ("Andreozzi Bluestein") as its General Counsel, in connection with its Chapter 11 Filing, upon the terms and conditions set forth in Andreozzi Bluestein's August 26, 2015 retainer letter;

RESOLVED FURTHER, that each of the officers of the Corporation is authorized to retain on behalf of this Corporation such other professionals as they deem necessary or appropriate, upon such terms and conditions as shall approve, to render services to this Corporation in Connection with such Chapter 11 proceeding and with respect to other related matters in connection therewith;

RESOLVED FURTHER, that each officer of the Corporation be, and each of them is authorized and empowered to open Debtor-in-Possession bank accounts with any bank on the United States Department of Justice, Office of the United States Trustee's list of approved depository banks, once a Chapter 11 case has been commenced;

RESOLVED FURTHER, that each of the officers of the Corporation is authorized and directed to take any and all further action and to execute and to deliver any and all such further instruments and documents and to pay all such expenses (subjects to Bankruptcy Court approval), where necessary or appropriate in order to carry out fully the intent and accomplish the purposes of the resolutions adopted herein;

RESOLVED FURTHER, that all actions taken by each of the officers and directors of the Corporation or any matter related thereto, or by virtue of these resolutions, are hereby in all respects ratified, confirmed and approved;

RESOLVED, that each officer of the Corporation be, and each of them hereby is, authorized and empowered to do or cause to be done all such acts, deeds and things and to make, execute and deliver, or cause to be made, executed or delivered, all such agreements, undertakings, documents, instruments or certificates, in the name and on behalf of the Corporation or otherwise, as he/she may deem necessary, advisable or appropriate to effectuate or fulfill the purposes and intent of the foregoing resolutions.

RESOLVED FURTHER, that this resolution shall constitute the minutes of the meeting of the Board of Directors of the Corporation.

IN WITNESS WHEREOF, the undersigned have executed this Consent, which may be signed in one or more counterparts, which taken together shall constitute one document, as of this 14th day of ~~August~~ September, 2015.

Directors:



Jennifer L. Burford, Director

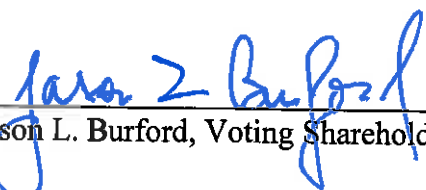


Jason L. Burford, Director

Voting Shareholders:



Jennifer L. Burford, Voting Shareholder



Jason L. Burford, Voting Shareholder

United States Bankruptcy Court
Western District of New York

In re Birch Grove Landscaping & Nursery, Inc.

Debtor(s)

Case No.

Chapter

11

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

Following is the list of the debtor's creditors holding the 20 largest unsecured claims. The list is prepared in accordance with Fed. R. Bankr. P. 1007(d) for filing in this chapter 11 [or chapter 9] case. The list does not include (1) persons who come within the definition of "insider" set forth in 11 U.S.C. § 101, or (2) secured creditors unless the value of the collateral is such that the unsecured deficiency places the creditor among the holders of the 20 largest unsecured claims. If a minor child is one of the creditors holding the 20 largest unsecured claims, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See 11 U.S.C. § 112; Fed. R. Bankr. P. 1007(m).

(1) <i>Name of creditor and complete mailing address including zip code</i>	(2) <i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	(3) <i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	(4) <i>Indicate if claim is contingent, unliquidated, disputed, or subject to setoff</i>	(5) <i>Amount of claim [if secured, also state value of security]</i>
271 Dingens Street, LLC d/b/a Buffalo Truck Leasing 271 Dingens Street Buffalo, NY 14206	271 Dingens Street, LLC d/b/a Buffalo Truck Leasing 271 Dingens Street Buffalo, NY 14206 (716) 821-9911	Past-due amount for lease	Unliquidated	12,116.66
American Express Post Office Box 1270 Newark, NJ 07101-1270	American Express Post Office Box 1270 Newark, NJ 07101-1270 (800) 297-6200	Trade Debt		36,585.49
American Paving & Excavating 5880 Thompson Road Clarence Center, NY 14032-9724	Guy Berberich American Paving & Excavating 5880 Thompson Road Clarence Center, NY 14032-9724 (716) 741-2649	Trade Debt		7,060.14
Buffalo Crushed Stone, Inc. Post Office Box 645207 Pittsburgh, PA 15264-5207	Curt Resetarits Buffalo Crushed Stone, Inc. Post Office Box 645207 Pittsburgh, PA 15264-5207 (716) 826-7310	Trade Debt		6,039.75
Caterpillar Financial Services Post Office Box 13834 Newark, NJ 07188-0834	Caterpillar Financial Services Post Office Box 13834 Newark, NJ 07188-0834	Past-due amounts for leases		25,508.66
Chase INK Visa Post Office Box 15656 Wilmington, DE 19886-5656	Chase INK Visa Post Office Box 15656 Wilmington, DE 19886-5656	Trade Debt		20,656.03
Citibank Mastercard Processing Center Des Moines, IA 50363-0005	Citibank Mastercard Processing Center Des Moines, IA 50363-0005 (800) 823-4086	Trade Debt		15,414.43
CNH Industrial Capital America LLC Post Office Box 3600 Lancaster, PA 17604-3600	CNH Industrial Capital America LLC Post Office Box 3600 Lancaster, PA 17604-3600 (800) 501-5711	Past-due amounts for leases		17,468.30

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

(Continuation Sheet)

(1) <i>Name of creditor and complete mailing address including zip code</i>	(2) <i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	(3) <i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	(4) <i>Indicate if claim is contingent, unliquidated, disputed, or subject to setoff</i>	(5) <i>Amount of claim [if secured, also state value of security]</i>
Concept Construction Corp. 2555 Transit Road Elma, NY 14059	Concept Construction Corp. 2555 Transit Road Elma, NY 14059 (716) 675-9171	Non-priority employee benefit claims	Contingent Unliquidated Disputed	94,726.75
County Line Stone Co., Inc. Crittenden Road Post Office Box 150 Akron, NY 14001	County Line Stone Co., Inc. Crittenden Road Post Office Box 150 Akron, NY 14001 (716) 542-5435	Trade Debt		10,114.12
Dave Reisdorf, Inc. Post Office Box 395 Batavia,, NY 14021	Dave Reisdorf, Inc. Post Office Box 395 Batavia,, NY 14021 (585) 343-4453	Trade Debt		12,319.75
Duke, Holzman, Photiadis & Gresens LLP 701 Seneca Street, Suite 750 Buffalo, NY 14202-3718	Duke, Holzman, Photiadis & Gresens LLP 701 Seneca Street, Suite 750 Buffalo, NY 14202-3718 (716) 855-1111	Legal Services		7,271.19
Hodgson Russ,LLP The Guaranty Building 140 Pearl Street, Suite 100 Buffalo, NY 14202	Hodgson Russ,LLP The Guaranty Building 140 Pearl Street, Suite 100 Buffalo, NY 14202 (716) 856-4000	Legal Services		19,264.00
HSBC Bank USA, N.A. Post Office Box 4657 Carol Stream, IL 60197-4657	HSBC Bank USA, N.A. Post Office Box 4657 Carol Stream, IL 60197-4657	Trade Debt		8,528.51
Imperial Concrete Co., Inc. 17 Santa Clara Court East Amherst, NY 14051	Imperial Concrete Co., Inc. 17 Santa Clara Court East Amherst, NY 14051 (716) 867-5969	Trade Debt		35,444.15
Lewandowski & Associates 721 Center Road West Seneca, NY 14224	Brian Lewandowski Lewandowski & Associates 721 Center Road West Seneca, NY 14224 (716) 674-4710	Legal Services		5,331.83
M&T Bank Visa Post Office Box 790408 St. Louis, MO 63179	M&T Bank Visa Post Office Box 790408 St. Louis, MO 63179	Trade Debt		14,398.53
NAPA 12691 Broadway LLC 12691 Broadway Alden, NY 14004	NAPA 12691 Broadway LLC 12691 Broadway Alden, NY 14004 (716) 937-9194	Trade Debt		6,689.78
Preferred Seed Co., Inc. 575 Kennedy Road Buffalo, NY 14227	Becky Bartels Preferred Seed Co., Inc. 575 Kennedy Road Buffalo, NY 14227 (716) 895-7333	Trade Debt		14,789.63

In re **Birch Grove Landscaping & Nursery, Inc.**

Debtor(s)

Case No. _____

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

(Continuation Sheet)

(1)	(2)	(3)	(4)	(5)
<i>Name of creditor and complete mailing address including zip code</i>	<i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	<i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	<i>Indicate if claim is contingent, unliquidated, disputed, or subject to setoff</i>	<i>Amount of claim [if secured, also state value of security]</i>
Toyota Motor Credit Toyota Financial Services Department 2431 Carol Stream, IL 60132-2431	Toyota Motor Credit Toyota Financial Services Department 2431 Carol Stream, IL 60132-2431 (800) 541-2315	Past-due amounts for leases		10,823.60

**DECLARATION UNDER PENALTY OF PERJURY
ON BEHALF OF A CORPORATION OR PARTNERSHIP**

I, the Chief Operating Officer of the corporation named as the debtor in this case, declare under penalty of perjury that I have read the foregoing list and that it is true and correct to the best of my information and belief.

Date **September 18, 2015**Signature **/s/ Jason L. Burford****Jason L. Burford****Chief Operating Officer**

Penalty for making a false statement or concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both.
18 U.S.C. §§ 152 and 3571.

**United States Bankruptcy Court
Western District of New York**

In re **Birch Grove Landscaping & Nursery, Inc.**

Debtor(s)

Case No.

Chapter

11

VERIFICATION OF CREDITOR MATRIX

I, the Chief Operating Officer of the corporation named as the debtor in this case, hereby verify that the attached list of creditors is true and correct to the best of my knowledge.

Date: **September 18, 2015**

/s/ Jason L. Burford

Jason L. Burford/Chief Operating Officer

Signer/Title

271 Dingens Street, LLC
d/b/a Buffalo Truck Leasing
271 Dingens Street
Buffalo, NY 14206

Acme Bearing Corp.
1387 Niagara Street
Buffalo, NY 14213

American Express
Post Office Box 1270
Newark, NJ 07101-1270

American Paving & Excavating
5880 Thompson Road
Clarence Center, NY 14032-9724

Anderson Water Systems, Inc
79 Saginaw Drive
Rochester, NY 14623

Bank of Akron
46 Main Street
Post Office Box 420
Akron, NY 14001-0420

Bank of the West
Trinity Division
475 Sansome Street, 19th Floor
San Francisco, CA 94111-3112

Buffalo Crushed Stone, Inc.
Post Office Box 645207
Pittsburgh, PA 15264-5207

Buffalo Truck Center, Inc.
271 Dingens Street
Buffalo, NY 14206

Caterpillar Financial Services
Post Office Box 13834
Newark, NJ 07188-0834

Caterpillar Financial Services
2120 West End Avenue
Post Office Box 340001
Nashville, TN 37203-0001

Chase INK Visa
Post Office Box 15656
Wilmington, DE 19886-5656

Chelus, Herdzik, Speyer & Monte PC
Attn: Rebecca Monte, Esq.
438 Main Street, 10th Floor
Buffalo, NY 14202

Citibank Mastercard
Processing Center
Des Moines, IA 50363-0005

Citizens Auto Finance
RJE 100
One Citizens Drive
Riverside, RI 02915

CNH Industrial Capital America LLC
Post Office Box 3600
Lancaster, PA 17604-3600

CNH Industrial Capital America LLC
100 Brubaker Avenue
New Holland, PA 17557

Concept Construction Corp.
2555 Transit Road
Elma, NY 14059

Containers in Bloom
Post Office Box 118
West Falls, NY 14170-0118

Copier Fax Bus. Technologies
465 Ellicott Street
Buffalo, NY 14203

County Line Stone Co., Inc.
Crittenden Road
Post Office Box 150
Akron, NY 14001

Dave Reisdorf, Inc.
Post Office Box 395
Batavia,, NY 14021

De Lage Landen Financial Services, Inc.
Post Office Box 41602
Philadelphia, PA 19101-1602

Duke, Holzman, Photiadis & Gresens LLP
Attn: Steven W. Klutkowski, Esq.
701 Seneca Street, Suite 750
Buffalo, NY 14210

Duke, Holzman, Photiadis & Gresens LLP
701 Seneca Street, Suite 750
Buffalo, NY 14202-3718

El-Don Battery, Inc.
4109 St. Francis Drive (Rt. 75)
Hamburg, NY 14075

Element Financial Corp.
655 Business Center Drive, Suite 250
Horsham, PA 19044

Estate of Gordon E. Fisher
c/o Audrey Fisher
7410 Zimmerman Road
Hamburg, NY 14075

First Niagara Risk Management
Post Office Box 91002
Rochester, NY 14692-9102

Five Star Equipment Inc.
Attn: Kim Gavin
Post Office Box 176
Dunmore, PA 18512

Frank's Vacuum Truck Service
1717 New Road
Niagara Falls, NY 14304

Hanes Supply Inc.
55 James E. Casey Drive
Buffalo, NY 14206

Hodgson Russ, LLP
The Guaranty Building
140 Pearl Street, Suite 100
Buffalo, NY 14202

HSBC Bank USA, N.A.
Post Office Box 4657
Carol Stream, IL 60197-4657

Imperial Concrete Co., Inc.
17 Santa Clara Court
East Amherst, NY 14051

Internal Revenue Service
Centralized Insolvency Operations
Post Office Box 7346
Philadelphia, PA 19101-7346

Jason and Jennifer Burford
1515 Grover Road
East Aurora, NY 14052

John Deere Financial--Parts
Post Office Box 4450
Carol Stream, IL 60197-4450

John J. Fromen Attorneys
Attn: M. Jones, Esq.
1500 Main Place Tower
350 Main Street
Buffalo, NY 14202-3794

Johnson's Nursery
11753 Big Tree Road
Wales Center, NY 14052

Katie and Raymond Myers
72 North Street
Hamburg, NY 14075

Kelar Atlantic
5777 W. Century Boulevard, Suite 1575
Los Angeles, CA 90045-5792

Klagg, LLC
7410 Zimmerman Road
Hamburg, NY 14075

Lelyn Property Development, LLC
Post Office Box 118
West Falls, NY 14170

Lewandowski & Associates
721 Center Road
West Seneca, NY 14224

Lowes
Post Office Box 530914
Atlanta, GA 30353-0914

M&T Bank Visa
Post Office Box 790408
St. Louis, MO 63179

Monroe Tractor & Implement Co., Inc.
5035 Genesee Street
Buffalo, NY 14225

NAPA 12691 Broadway LLC
12691 Broadway
Alden, NY 14004

NAPA-East Aurora Auto Parts
583 Olean Road
East Aurora, NY 14052

National Collection Services
Attn: Robert Lewis
216 Haddon Avenue, Suite 607
Westmont, NJ 08108

NextPoint LLC
374 Delaware Avenue, Suite 250
Buffalo, NY 14202

NYS Department of Labor
Attn: Insolvency Unit
Harriman State Office Campus
Building 12, Room 256
Albany, NY 12240

NYS Department of Labor
Bureau of Public Works
65 Court Street, Room 201
Buffalo, NY 14202

NYS Department of Taxation & Finance
Bankruptcy Unit
Post Office Box 5300
Albany, NY 12205

Preferred Seed Co., Inc.
575 Kennedy Road
Buffalo, NY 14227

Preischel Brothers Service Inc
2890 Pleasant Avenue
Post Office Box 872
Hamburg,, NY 14075

Regional International of WNY
1007 Lehigh Station Road
Henrietta, NY 14467

Russell's Tree & Shrub Farm
9800 Transit Road
East Amherst, NY 14051

Southworth-Milton Inc.
294 Ainsley Drive
Syracuse, NY 13210

Staples Business Advantage
Department ROC
Post Office Box 415256
Boston, MA 02241-5256

The Service Insurance Company, Inc.
80 Main Street
West Orange, NJ 07052

Toyota Financial Services
Commercial Finance Department
Post Office Box 3457
Torrance, CA 90501-3457

Toyota Motor Credit
Toyota Financial Services
Department 2431
Carol Stream, IL 60132-2431

Toyota Motor Credit Corp.
8430 West Bryn Mawr
Post Office Box 2431
Chicago, IL 60631

Tri-County Tool Rental & Sales
550 Olean Road
East Aurora, NY 14052

United Rentals Inc.
Post Office Box 100711
Atlanta, GA 30384-0711

Xylem Dewatering Solutions, Inc
Post Office Box 935152
Atlanta, GA 31193